UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

NATIONAL LABOR RI	ELATIONS)	
BOARD)	
	Petitioner)	
)	
V.)	No. 16-70294
)	
COMMUNITY SUPPORT)	
NETWORK)	
	Respondent)	

MOTION OF THE NATIONAL LABOR RELATIONS BOARD TO HOLD THE FILING OF THE CERTIFIED LIST IN ABEYANCE

To the Honorable, the Judges of the United States Court of Appeals for the Ninth Circuit:

The National Labor Relations Board ("the Board"), by its Deputy Associate

General Counsel, respectfully moves the Court to hold the filing of the certified list
in abeyance pending resolution of the Board's outstanding Motion for Entry of a

Default Judgment, and shows:

- 1. On January 5, 2016, the Board issued its Decision and Order in this case against Community Support Network ("the Company") and filed an application to enforce its Order on February 1, 2016. Under Federal Rule of Appellate Procedure 17(a), the certified list in this case is due within forty days of that application, or on March 14, 2016, "unless the respondent fails to answer."
- 2. On March 14, simultaneous with the filing of this motion, the Board filed with this Court a motion for entry of a default judgment.

Case: 16-70294, 03/14/2016, ID: 9901008, DktEntry: 11, Page 2 of 3

3. If the Board succeeds in its motion for default judgment, further

proceedings on the merits will not be necessary, thereby obviating the need for

filing the record.

4. Furthermore, Rule 17(a) of the Federal Rules of Appellate Procedure

("FRAP") provides that a respondent's filing of an answer to an application for

enforcement is a prerequisite to the Board's filing of the record. Because the

Company did not file an answer to Board's application for enforcement, as

required by FRAP Rule 15(b)(2), the Board is not yet required to file the record.

5. Therefore, the Board requests that the time for filing the certified list be

extended until the Court decides whether to issue a default judgment.

6. The Company's attorney, Jeffrey Beeson, has informed the Board's counsel

that the Company will not oppose enforcement and does not intend to file an

answer or brief.

WHEREFORE, the Board respectfully requests that its motion be granted

and the time for filing the certified list be held in abeyance until the Court has

ruled on the Board's motion for default judgment.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

NATIONAL LABOR RELATIONS BOARD

1015 Half Street, SE

Dated at Washington, D. C.

Washington, D.C. 20570

this 14th day of March 2016

(202) 273-2960

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2016, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system.

I certify foregoing document was served on the following counsel through the CM/ECF system if he is a registered user or, if he is not, by serving a true and correct copy at the addresses listed below:

> Jeffrey E. Beeson, Esquire Beeson Terhorst, LLP 3558 Round Barn Boulevard, Suite 200 Santa Rosa, CA 95403-0991

> > /s/ Linda Dreeben
> > Linda Dreeben
> > Deputy Associate General Counsel
> > NATIONAL LABOR RELATIONS BOARD
> > 1015 Half Street, SE
> > Washington, D.C. 20570

Dated at Washington, D.C. this 14th day of March 2016